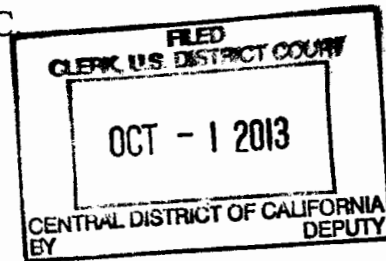


1 Paul Mankin, IV (SBN 264038)  
2 LAW OFFICES OF L. PAUL MANKIN, IV, P.C.  
3 8730 Wilshire Blvd., Suite 310  
4 Beverly Hills, CA 90211  
5 Phone: 877-206-4741  
6 Fax: 866-633-0228  
7 pmankin@apaulmankin.com



8 Attorney for Plaintiff Nikita Brown

9  
10  
11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 NIKITA BROWN, on behalf of  
14 herself and all others similarly  
15 situated,

16 Plaintiff,

17 vs.

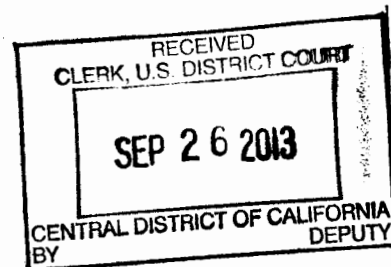
18 WINDHAM PROFESSIONALS,  
19 INC., a Massachusetts corporation,  
20 and DOES 1 through 10, inclusive,

21 Defendants.

Case No. **CV13-7253** MAN  
**CLASS ACTION**

**COMPLAINT FOR VIOLATION OF  
THE ELECTRONIC FUNDS  
TRANSFER ACT [15 U.S.C. § 1693  
ET SEQ.]**

**Jury Trial Demanded As To Claims  
That Are So Triable**



1 Plaintiff Nikita Brown ("Plaintiff"), individually and on behalf of all other  
2 members of the public similarly situated, based upon facts which either have  
3 evidentiary support, or are likely to have evidentiary support after a reasonable  
4 opportunity for further investigation and discovery, alleges as follows:

#### 5 **NATURE OF THE ACTION**

6 1. Plaintiff brings this action for herself and others similarly situated  
7 seeking damages and any other available legal or equitable remedies resulting  
8 from the illegal actions of Windham Professionals, Inc. ("Defendant"), in debiting  
9 funds from Plaintiff and Class Member's bank accounts on a recurring basis  
10 without a written authorization signed or similarly authenticated for preauthorized  
11 electronic fund transfers in violation of the Electronic Funds Transfer Act, 15.  
12 U.S.C. § 1693 *et seq.* ("EFTA").

#### 13 **JURISDICTION & VENUE**

14 2. Jurisdiction is proper under 28 U.S.C. § 1332(d)(2) because Plaintiff,  
15 a resident of California, seeks relief on behalf of a Class, which will result in at  
16 least one class member belonging to a different state than that of Defendant, a  
17 company with its principal place of business in New Hampshire and State of  
18 Incorporation in Massachusetts state. Plaintiff also seeks up to \$1,000.00 in  
19 damages per Class Member for violation of the EFTA, which, when aggregated  
20 among a proposed class in the thousands, exceeds the \$5,000,000.00 threshold for  
21 federal court jurisdiction. Therefore, both diversity jurisdiction and the damages  
22 threshold under the Class Action Fairness Act of 2005 ("CAFA") are present, and  
23 this Court has jurisdiction.

24 3. Venue lies within this judicial district pursuant to 28 U.S.C. Section  
25 1391(b)-(c) because Defendant transacts business in this judicial district and  
26 certain acts giving rise to the claims asserted in this Complaint occurred within the  
27 District. Venue is proper in the Central District of California pursuant to 28  
28 U.S.C. Section 1391 because this District is a District in which a substantial part

1 of the events or omissions giving rise to the claim occurred.

2 **PARTIES**

3 4. Plaintiff, Nikita Brown ("Plaintiff"), is a natural person residing in  
4 Long Beach, California in Los Angeles County.

5 5. Defendant Windham Professionals, Inc. ("Defendant"), was and is,  
6 upon information and belief, a Massachusetts corporation with its principal place  
7 of business in Salem, New Hampshire, and was, at all times relevant to this  
8 complaint, engaged in commercial transactions throughout this county, the State  
9 of California and the various states of the United States of America.

10 6. The above named Defendant, and its subsidiaries and agents, are  
11 collectively referred to as "Defendants." The true names and capacities of the  
12 Defendants sued herein as DOE DEFENDANTS 1 through 10, inclusive, are  
13 currently unknown to Plaintiff, who therefore sues such Defendants by fictitious  
14 names. Each of the Defendants designated herein as a DOE is legally responsible  
15 for the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend  
16 the Complaint to reflect the true names and capacities of the DOE Defendants  
17 when such identities become known.

18 7. Plaintiff is informed and believes that at all relevant times, each and  
19 every Defendant was acting as an agent and/or employee of each of the other  
20 Defendants and was acting within the course and scope of said agency and/or  
21 employment with the full knowledge and consent of each of the other Defendants.  
22 Plaintiff is informed and believes that each of the acts and/or omissions  
23 complained of herein was made known to, and ratified by, each of the other  
24 Defendants.

25 **FACTUAL ALLEGATIONS**

26 8. On or about August of 2012, Defendant began contacting Plaintiff in  
27 attempt to collect a consumer debt from Plaintiff.

28 9. The alleged debt arose from transactions for education financial aid,

1 ("the Account").

2 10. In or around August of 2012, Plaintiff received collection letters  
3 from Defendant in connection with the Account.

4 11. Soon after receiving the letters, Plaintiff telephoned Defendant and  
5 orally agreed with Defendant's representative to allow \$150 to be drawn from her  
6 account every two weeks in effort to resolve the alleged debt.

7 12. Defendant did not provide to Plaintiff, nor did Plaintiff execute, any  
8 written or electronic writing memorializing or authorizing the recurring or  
9 automatic payments.

10 13. Plaintiff did not provide either a written or electronic signature  
11 authorizing the recurring or automatic payments.

12 14. In or around December of 2012, Plaintiff telephoned Defendant,  
13 spoke with a representative and requested that her upcoming payments be  
14 postponed until the end of the month, at which time Plaintiff would have sufficient  
15 funds to satisfy the payment.

16 15. On January 10, 2013, Plaintiff checked her account information and  
17 noticed that Defendant had attempted to draw unauthorized payments from  
18 Plaintiff's account on December 13<sup>th</sup> and 20<sup>th</sup> despite Plaintiff having insufficient  
19 funds at the time, and actually did draw \$150 from her account on December 27,  
20 2012, after previously requesting the payments be postponed.

21 16. On or about January 10, 2013, Plaintiff telephoned and informed  
22 Defendant's representative that she would allow one payment for \$80 to be drawn  
23 from her account by Defendant on that day and requested that any future payments  
24 be postponed until another arrangement could be agreed to.

25 17. Again, Defendant did not provide to Plaintiff, nor did Plaintiff  
26 execute, any written or electronic writing memorializing or authorizing the  
27 recurring or automatic payments.

28 18. Again, Plaintiff did not provide either a written or electronic



1 signature authorizing the recurring or automatic payments

2 19. On January 31, 2013, Plaintiff checked her account information and  
3 noticed that Defendant had attempted to and did draw an unauthorized payment of  
4 \$150 from her account on that day, despite Plaintiff specifically requesting  
5 previously that any and all future payments be stopped.

6 20. Because of Defendant's unauthorized acts, Plaintiff was late on  
7 paying her rent and other utilities, was placed in jeopardy of incurring penalties  
8 and fees, was forced cancel her account, and risked adverse entries to her credit  
9 report and financial history.

10 **CLASS ALLEGATIONS**

11 21. Plaintiff brings this lawsuit as a class action on behalf of herself and  
12 all others similarly situated as members of the proposed class (hereinafter "The  
13 Class") pursuant to Federal Rules of Civil Procedure 23(a) and (b)(1), (b)(2)  
14 and/or (b)(3). This action satisfies the numerosity, commonality, typicality,  
15 adequacy, predominance, and superiority requirements of those provisions:

16 22. Plaintiff's proposed class consists of and is defined as:

17  
18 All persons within the United States whose accounts  
19 were debited by Defendant without Defendant obtaining  
20 written authorization signed or similarly authenticated  
21 for preauthorized electronic fund transfers within the one  
22 year prior to filing of this Complaint, .  
23

24 23. Members of the Class, as described above, will be referred to as  
25 "Class Members." Excluded from the Class are: (1) Defendant, any entity or  
26 division in which Defendant has a controlling interest, and their legal  
27 representatives, officers, directors, assigns, and successors; and (2) the Judge to  
28 whom this case is assigned and the Judge's staff. Plaintiff reserves the right to

1 amend the above Class and to add additional subclasses as appropriate based on  
2 investigation, discovery, and the specific theories of liability.

3 24. Numerosity: The Class Members are so numerous that joinder of all  
4 members would be unfeasible and impractical. The membership of the entire  
5 Class is unknown to Plaintiff at this time; however, the class is estimated to be  
6 greater than one hundred (100) individuals and the identity of such membership is  
7 readily ascertainable by inspection of Defendant's records. Consequently, it is  
8 reasonable to presume that the members of the Class are so numerous that joinder  
9 of all members is impracticable. The disposition of their claims in a class action  
10 will provide substantial benefits to the parties and the Court.

11 25. Commonality: There are common questions of law and fact as to  
12 Class Members that predominate over questions affecting only individual  
13 members, including, but not limited to:

- 14 a. Whether Plaintiff and Class Members entered into oral  
15 agreements with Defendant to have automatic, or recurring,  
16 electronic payments drawn from their accounts to be paid to  
17 Defendant towards settlement of the Class Members'  
18 outstanding accounts with Defendant;
- 19 b. Whether Plaintiff and the Class Members were provided with,  
20 or executed, written agreements memorializing the automatic  
21 or recurring electronic payments;
- 22 c. Whether Defendant requested or provide Plaintiff and Class  
23 Members with written agreements memorializing the automatic  
24 or recurring electronic payments;
- 25 d. Whether Plaintiff and Class Members provided either a written  
26 ("Wet") or electronic signature authorizing the automatic or  
27 recurring electronic payments from their accounts;

28 ///

1 e. Whether Defendant took unauthorized payment(s) from  
2 Plaintiff and Class Members; and

3 f. Whether Defendant should be enjoined from engaging in such  
4 conduct in the future.

5 26. Typicality: Plaintiff is qualified to, and will, fairly and adequately  
6 protect the interests of each Class Member with whom she is similarly situated,  
7 and Plaintiff's claims (or defenses, if any) are typical of all Class Members' as  
8 demonstrated herein.

9 27. Adequacy: Plaintiff is qualified to, and will, fairly and adequately  
10 protect the interests of each Class Member with whom she is similarly situated, as  
11 demonstrated herein. Plaintiff acknowledges that she has an obligation to make  
12 known to the Court any relationship, conflicts, or differences with any Class  
13 Member. Plaintiff's attorneys, the proposed class counsel, are versed in the rules  
14 governing class action discovery, certification, and settlement. Plaintiff has  
15 incurred, and throughout the duration of this action, will continue to incur costs  
16 and attorneys' fees that have been, are and will be necessarily expended for the  
17 prosecution of this action for the substantial benefit of each Class Member.

18 28. Predominance: Questions of law or fact common to the Class  
19 Members predominate over any questions affecting only individual members of  
20 the Class. The elements of the legal claims brought by Plaintiff and the Class  
21 Members are capable of proof at trial through evidence that is common to the  
22 Class rather than individual to its members.

23 29. Superiority: Plaintiff and the Class Members have all suffered and  
24 will continue to suffer harm and damages as a result of Defendant's unlawful and  
25 wrongful conduct. A class action is superior to other available methods for the  
26 fair and efficient adjudication of the controversy. Absent a class action, most  
27 Class Members would likely find the cost of litigating their claims prohibitively  
28 high and would therefore have no effective remedy at law. Because of the

1 relatively small size of the individual Class Members' claims, it is likely that only  
2 a few Class Members could afford to seek legal redress for Defendant's  
3 misconduct. Absent a class action, Class Members will continue to incur harm  
4 and damages and Defendant's misconduct will continue without remedy. Class  
5 treatment of common questions of law and fact would also be a superior method to  
6 multiple individual actions or piecemeal litigation in that class treatment will  
7 conserve the resources of the courts and the litigants and will promote consistency  
8 and efficiency of adjudication.

9 30. The Class may also be certified because:

- 10 a. the prosecution of separate actions by individual Class  
11 Members would create a risk of inconsistent or varying  
12 adjudication with respect to individual Class Members, which  
13 would establish incompatible standards of conduct for  
14 Defendant;
- 15 b. the prosecution of separate actions by individual Class  
16 Members would create a risk of adjudications with respect to  
17 them that would, as a practical matter, be dispositive of the  
18 interests of other Class Members not parties to the  
19 adjudications, or substantially impair or impede their ability to  
20 protect their interests; and
- 21 c. Defendant has acted or refused to act on grounds generally  
22 applicable to the Class, thereby making appropriate final and  
23 injunctive relief with respect to the members of the Class as a  
24 whole.

25 ///

26 ///

27 ///

28 ///



**FIRST CAUSE OF ACTION**

**Violation of the Electronic Funds Transfer Act**

**15 U.S.C. § 1693 *et seq.***

31. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above.

32. Defendant failed to comply with the writing and notice requirements of § 907(a) of the EFTA, 15 U.S.C. § 1693e(a) as to Plaintiff and Class members with respect to the above alleged transactions.

33. Section 907(a) of the EFTA, 15 U.S.C. §1693e(a), provides that a “preauthorized electronic fund transfer from a consumer’s account may be authorized by the consumer only in writing, and a copy of such authorization shall be provided to the consumer when made.”

34. Section 903(9) of the EFTA, 15 U.S.C. § 1693a(9), provides that the term “preauthorized electronic fund transfer” means “an electronic fund transfer authorized in advance to recur at substantially regular intervals.”

35. Section 205.10(b) of Regulation E, 12 C.F.R. § 205.10(b), provides that “[p]reauthorized electronic fund transfers from a consumer’s account may be authorized only by a writing signed or similarly authenticated by the consumer. The person that obtains the authorization shall provide a copy to the consumer.”

36. Section 205.10(b) of the Federal Reserve Board's Official Staff Commentary to Regulation E, 12 C.F.R. § 205.10(b), Supp. I, provides that “[t]he authorization process should evidence the consumer's identity and assent to the authorization.” Id. at ¶10(b), comment 5. The Official Staff Commentary further provides that “[a]n authorization is valid if it is readily identifiable as such and the terms of the preauthorized transfer are clear and readily understandable.” Id. at ¶10(b), comment 6.

37. In multiple instances, Defendant debited accounts of Plaintiff and Class Members on a recurring basis without obtaining a written authorization

1 signed or similarly authenticated by the Plaintiff or respective Class Members for  
 2 preauthorized electronic fund transfers from the accounts of Plaintiff or respective  
 3 Class Members, thereby violating § 907(a) of the EFTA, 15 U.S.C. § 1693e(a),  
 4 and Section 205.10(b) of Regulation E, 12 C.F.R. § 205.10(b).

5 38. In multiple instances, Defendant debited Plaintiff's and Class  
 6 Members' accounts on a recurring basis without providing a copy of a written  
 7 authorization signed or similarly authenticated by the respective Class members  
 8 for preauthorized electronic funds transfers, thereby violating Section 907(a) of  
 9 the EFTA, 15 U.S.C. § 1693e(a), and Section 205.10(b) of Regulation E, 12  
 10 C.F.R. § 205.10(b).

#### 11 **REQUEST FOR JURY TRIAL**

12 39. Plaintiff requests a trial by jury of all issues which may be tried by a  
 13 jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

#### 14 **PRAYER FOR RELIEF**

15 Plaintiff, on behalf of herself and Class Members, requests that the Court  
 16 enter judgment against Defendant, as follows:


- 17 a. An order certifying the proposed Class, designating Plaintiff as  
 18 named representative of the Class, and designating the  
 19 undersigned as Class Counsel;
- 20 b. A Declaration that Defendant's practices violate the EFTA;
- 21 c. An award of statutory, compensatory, special, general, and  
 22 punitive damages according to proof against all Defendants;
- 23 d. An award of appropriate equitable relief, including but not  
 24 limited to an injunction forbidding Defendant from engaging in  
 25 further unlawful conduct in violation of the EFTA;
- 26 e. An award of pre-judgment and post-judgment interest, as  
 27 provided by law;
- 28 f. Leave to amend the Complaint to conform to the evidence

1 produced at trial;

2 g. An award of attorneys' fees and costs, as allowed by law; and  
3 Such other relief as may be appropriate under the circumstances.

4  
5 Dated: September 19, 2013

Respectfully submitted,  
Law Office of L. Paul Mankin, IV, P.C.

6  
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8 By:   
9 Paul Mankin, IV  
10 Attorney for Plaintiff Nikita Brown  
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AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

NIKITA BROWN, on behalf of herself and all others  
similarly situated,

Plaintiff(s)

v.

WINDHAM PROFESSIONALS, INC., a  
Massachusetts corporation, and DOES 1 through 10,  
inclusive,

Defendant(s)

CV13-7253 MAN

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) WINDHAM PROFESSIONALS, INC., a Massachusetts corporation  
600 WEST CUMMINGS PARK  
WOBURN, MA 01801 USA

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Law Offices of Paul Mankin, IV  
8730 Wilshire Blvd, #310  
Beverly Hills, CA 90211

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

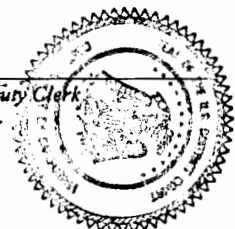
CLERK OF COURT

JULIE PRADO

Signature of Clerk or Deputy Clerk

OCT 1 2013

Date:





AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**I. (a) PLAINTIFFS** ( Check box if you are representing yourself ☐ )

NIKITA BROWN, on behalf of herself and all others similarly situated,

**DEFENDANTS** ( Check box if you are representing yourself ☐ )

WINDHAM PROFESSIONALS, INC., a Massachusetts corporation, and DOES 1 through 10, inclusive

**(b) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

Paul Mankin, IV  
Law Offices of Paul Mankin, IV  
8730 Wilshire Blvd, #310, Beverly Hills, CA 90211  
T: 800-219-3577; F: 877-206-4741

**(b) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff  
☒ 3. Federal Question (U.S. Government Not a Party)  
☐ 2. U.S. Government Defendant  
☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**—For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)

- |   |                                       |                            |   |                            |                                       |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
|   | <b>PTF</b>                            | <b>DEF</b>                 |   | <b>PTF</b>                 | <b>DEF</b>                            |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. ORIGIN** (Place an X in one box only.)

- ☒ 1. Original Proceeding  
☐ 2. Removed from State Court  
☐ 3. Remanded from Appellate Court  
☐ 4. Reinstated or Reopened  
☐ 5. Transferred from Another District (Specify)  
☐ 6. Multi-District Litigation

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION** under F.R.Cv.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
15 U.S.C. 1693- Violation of the Electronic Funds Transfer Act**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<b>Habeas Corpus:</b>	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b>	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	<b>PERSONAL PROPERTY</b>	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 530 General	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<b>Other:</b>	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<b>FEDERAL TAX SUITS</b>
<input checked="" type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>FORFEITURE/PENALTY</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<b>REAL PROPERTY</b>	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<b>LABOR</b>	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

**CV 13-7253**

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**VIII. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<b>Question A: Was this case removed from state court?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	<b>STATE CASE WAS PENDING IN THE COUNTY OF:</b>		<b>INITIAL DIVISION IN CACD IS:</b>
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

<b>Question B: Is the United States, or one of its agencies or employees, a party to this action?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	<b>If the United States, or one of its agencies or employees, is a party, is it:</b>		<b>INITIAL DIVISION IN CACD IS:</b>
	<b>A PLAINTIFF?</b>	<b>A DEFENDANT?</b>	
	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

<b>Question C: Location of plaintiffs, defendants, and claims?</b>	<b>A. Los Angeles County</b>	<b>B. Ventura, Santa Barbara, or San Luis Obispo Counties</b>	<b>C. Orange County</b>	<b>D. Riverside or San Bernardino Counties</b>	<b>E. Outside the Central District of California</b>	<b>F. Other</b>
Indicate the location in which a majority of plaintiffs reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**C.1. Is either of the following true? If so, check the one that applies:**

- ☐ 2 or more answers in Column C  
☐ only 1 answer in Column C and no answers in Column D

Your case will initially be assigned to the  
**SOUTHERN DIVISION.**  
 Enter "Southern" in response to Question D, below.  
 If none applies, answer question C2 to the right. →

**C.2. Is either of the following true? If so, check the one that applies:**

- ☐ 2 or more answers in Column D  
☐ only 1 answer in Column D and no answers in Column C

Your case will initially be assigned to the  
**EASTERN DIVISION.**  
 Enter "Eastern" in response to Question D, below.  
 If none applies, go to the box below. ↓

Your case will initially be assigned to the  
**WESTERN DIVISION.**  
 Enter "Western" in response to Question D below.

<b>Question D: Initial Division?</b>	<b>INITIAL DIVISION IN CACD</b>
Enter the initial division determined by Question A, B, or C above: →	<b>WESTERN</b>

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**IX(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**IX(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**X. SIGNATURE OF ATTORNEY**

**(OR SELF-REPRESENTED LITIGANT):**

**DATE:** September 24, 2013

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))